

18W  
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Price, et al. )  
Serial No: 10/774,035 )  
Filed: 02/06/04 )  
For: System and Method of Finishing Ruffled )  
Gussets/Borders )

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby voluntarily disclose the items listed on the attached Form PTO-1449 to the Assistant Commissioner for Patents. A copy of items T and DA – JB are is enclosed herewith. Pursuant to 37 CFR 1.98(a)(2)(i), copies of items A – S and AA - CB are not enclosed.

Also disclosed are items DA – JB that include pleadings, discovery and supporting materials filed in a pending Civil Action No. 1:04-CV-1071-ODE for infringement of U.S. Patent Nos. 6,574,815 and 6,834,603, and which involve similar technical subject matter to the present application. Pursuant to MPEP § 2001.06(c), this information is being disclosed in the present application.

In addition, items DF, DH, ED, EH, EI, EJ, FB, FD, FE, FF, and GC, including deposition and declaration testimony submitted in pending Civil Action No. 1:04-CV-1071-ODE are being filed under seal pursuant to MPEP § 724.02 as these materials include confidential and proprietary material relating to customers, pricing, and sales of gusset/border ruffling equipment by the assignee of record of the present application more than one (1) year prior to the filing of the present application. Such confidential information material is further protected by a

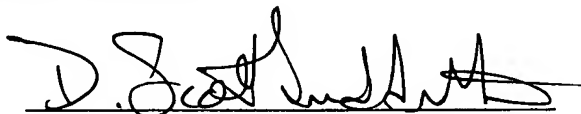
protective order entered into in the above referenced Action. It is requested that the sealed materials be opened only by the Examiner or other authorized USPTO personnel, and that the sealed materials not be scanned or copied.

This disclosure supplements earlier filed Information Disclosure Statements (IDS). As such references are being cited prior to the entry of a first Official Action after our Request for Continued Examination, no fee is believed to be required for this Supplemental Information Disclosure Statement under 37 CFR § 1.97(b)(3). However, should it be determined that a fee is required, the Commissioner is authorized to charge any fee deficiency or credit any overpayment of fees to Deposit Account No. 09-0528.

Applicants further reserve the right to establish the patentability of the claimed invention over the listed information should it be applied as a reference, and/or to prove that the cited information may not be prior art, and/or to prove that the cited information may not be enabling for the teachings it purports to offer. This statement further should not be construed as a representation that an exhaustive search has been made, or that the information cited herewith is material, or that there does not exist information more material to the examination of the present Application. The Examiner is specifically requested not to rely solely on the information submitted herein. On the contrary, the Examiner is requested to conduct an independent and thorough review of the information, and to form independent opinions as to their significance.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449 and to indicate in the official file wrapper of the above-identified patent application that each item of the cited information has been considered.

Date: 11/7/05

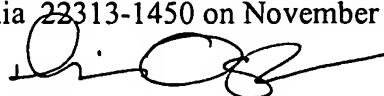
  
D. Scott Sudderth  
Attorney for Applicant  
Reg#34,026

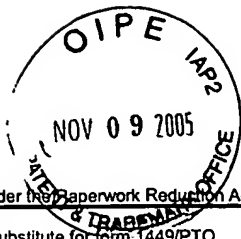
Womble Carlyle Sandridge & Rice, PLLC  
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(404) 888-7490 (Facsimile)

Docket No.: A129 1280.1

**Certificate of Mailing**

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PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 11

**Complete if Known**

Application Number	10/774,035
Filing Date	February 6, 2004
First Named Inventor	Price
Art Unit	3765
Examiner Name	Ismael Izaguirre
Attorney Docket Number	A129 1280.1

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A	US- 2,025,355	12/24/1935	Mitchell	
	B	US- 2,355,960	12/07/1943	Patton	
	C	US- 2,336,952	12/14/1943	Olson	
	D	US- 2,772,425	12/04/1956	Brodie	
	E	US- 2,945,238	07/19/1960	Weiser	
	F	US- 2,975,437	03/21/1961	Freeman	
	G	US- 3,109,182	11/05/1963	Doak	
	H	US- 3,190,247	06/22/1965	Schifano, et al.	
	I	US- 3,802,361	04/09/1974	Block	
	J	US- 4,014,273	03/29/1977	Kosakai	
	K	US- 4,025,975	05/31/1977	Phillips, et al.	
	L	US- 4,073,246	02/14/1978	Crawford, et al.	
	M	US- 4,108,094	08/22/1978	Weigert	
	N	US- 4,245,576	01/20/1981	Crawford, et al.	
	O	US- 4,280,421	07/28/1981	Price	
	P	US- 4,432,294	02/21/1984	Price, et al.	
	Q	US- 4,463,466	08/07/1984	May, et al.	
	R	US- 4,466,367	08/21/1984	Price, et al.	
	S	US- 4,527,492	07/09/1985	Gill	

**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	T	EP 0320468 A2	06/14/1989	Vittorio		

Examiner  
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Considered

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Sheet 2

of 11

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Application Number	10/774,035
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First Named Inventor	Price
Art Unit	3765
Examiner Name	Ismael Izaguirre
Attorney Docket Number	A129 1280.1

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	AA	US- 4,644,883	02/24/1987	Guin , et al.	
	AB	US- 4,680,821	07/21/1987	Maguire	
	AC	US- 4,809,375	03/07/1989	Bull	
	AD	US- 4,893,574	01/16/1990	O'Neal , et al.	
	AE	US- 5,134,947	08/04/1992	Price, et al.	
	AF	US- 5,137,190	08/11/1992	Plaud	
	AG	US- 5,159,889	11/03/1992	Price, et al.	
	AH	US- 5,203,270	04/20/1993	Price, et al.	
	AI	US- 5,285,542	02/15/1994	West , et al.	
	AJ	US- 5,373,798	12/20/1994	Price, et al.	
	AK	US- 5,437,238	08/01/1995	Price, et al.	
	AL	US- 5,522,332	06/04/1996	Price, et al.	
	AM	US- 6,874,215	04/05/2005	Flippin	
	AN	US- 6,889,622	05/10/2005	Marcangelo	
	AO	US- 5,655,241	08/12/1997	Higgins , et al.	
	AP	US- 5,657,711	08/19/1997	Price, et al.	
	AQ	US- 5,729,851	03/24/1998	Hollander	
	AR	US- 5,743,202	04/28/1998	Price, et al.	
	AS	US- 5,769,015	06/23/1998	Kato	

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STATEMENT BY APPLICANT**

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Sheet 3

of 11

**Complete if Known**

Application Number	10/774,035
Filing Date	February 6, 2004
First Named Inventor	Price
Art Unit	3765
Examiner Name	Ismael Izaguirre
Attorney Docket Number	A129 1280.1

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		Number-Kind Code <sup>2</sup> (if known)			
	BA	US- 5,778,811	07/14/1998	Gill, et al.	
	BB	US- 5,782,190	07/21/1998	Porter, et al.	
	BC	US- 5,816,177	10/06/1998	Brocklehurst	
	BD	US- 5,865,135	02/02/1999	Price, et al.	
	BE	US- 5,899,159	05/04/1999	Dasher, et al.	
	BF	US- 5,908,004	06/01/1999	Porter, et al.	
	BG	US- 5,918,560	07/06/1999	Dasher, et al.	
	BH	US- 5,924,376	07/20/1999	Olewicz, et al.	
	BI	US- 6,293,213	09/25/2001	Block, et al.	
	BJ	US- 6,295,481	09/25/2001	Price	
	BK	US- 6,035,794	03/14/2000	Keeton	
	BL	US- 6,041,456	03/28/2000	Pharr	
	BM	US- 6,129,030	10/10/2000	Resta	
	BN	US- 6,263,532	07/24/2001	Miller	
	BO	US- 6,408,773	06/25/2002	Resta	
	BP	US- 6,530,335	03/11/2003	Halfmann, et al.	
	BQ	US- 6,715,173	04/06/2004	Barman, et al.	
	BR	US- 6,721,982	04/20/2004	Freeman	
	BS	US- 6,760,935	07/13/2004	Burton, et al.	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/774,035
		Filing Date	February 6, 2004
		First Named Inventor	Price
		Art Unit	3765
		Examiner Name	Ismael Izaguirre
Sheet 5 of 11	Attorney Docket Number	A129 1280.1	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	DA	Atlanta Attachment Company's Complaint and Demand for Jury Trial	
	DB	Leggett & Platt's Answer, Affirmative Defenses, and Counterclaims	
	DC	Leggett & Platt's Responsive Claim Construction Brief	
	DD	Leggett & Platt Invalidity Contentions	
	DE	Atlanta Attachment Company and Leggett & Platt Joint Claim Construction Statement	
	DF	Leggett & Platt's Supplemental Opposition Motion for Preliminary Injunction (confidential)	
	DG	Leggett & Platt's Opening Claim Construction Brief	
	DH	Transcript of Videotaped Deposition of Preston Dasher, June 14, 2005, pp. 1 - 48 (confidential)	
	DI	Atlanta Attachment Company's Opening Claim Construction Brief	

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Application Number	10/774,035
		Filing Date	February 6, 2004
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		Art Unit	3765
		Examiner Name	Ismael Izaguirre
Sheet 6	of 11	Attorney Docket Number	A129 1280.1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	EA	Atlanta Attachment Company Responsive Claim Construction Brief	
	EB	Leggett & Platt's Supplemental Opposition to Atlanta Attachment Company's Motion for Preliminary Injunction	
	EC	Atlanta Attachment Company's Brief in Support of its Motion for Preliminary Injunction	
	ED	Expert Report of Dale Lischer (confidential)	
	EE	Defendent's, Leggett & Platt, Revised Initial Disclosure	
	EF	Leggett & Platt's Supplemental Invalidity Contentions	
	EG	Atlanta Attachment Company's Reply Brief in Support of its Motion for Preliminary Injunction	
	EH	Transcript of Videotaped Deposition of Bernard W. Kuchel, July 5, 2005, pp. 1 - 215 (confidential)	
	EI	Trancript of Videotaped Deposition of Elvin Price, June 15, 2005, pp. 1 - 140 (confidential)	
	EJ	Initial, Supplmental and Second Supplemental Declaration of Ben Kuchel (confidential)	

Examiner Signature	Date Considered
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	FA	Declaration of Ben Kuchel	
	FB	Mechanical drawing, undated (4 pages) (confidential)	
	FC	Atlanta Attachment Company Ruffler brochure (AAC Model 1325) undated	
	FD	Elvin Price, Letter to Bruce G. Barman, 9/28/2000 (confidential)	
	FE	Elvin Price, Letter to Bill Freeman with attachments (7 pages), 2/9/2001 (confidential)	
	FF	Transcript of Videotaped Deposition of Bernhard W. Kuchel, 7/5/2005, pp. 1-21 (confidential)	
	FG	Photograph of Mattress, File Name 29477242, 12/14/1999	
	FH	Photograph of Mattress, File Name 29477242, 12/14/1999	
	FI	Photograph of Mattress, File Name 29477260.tif 8/9/2000	
	FJ	Supplemental Declaration of Ben Kuchel	

Examiner Signature		Date Considered	
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	GA	Photograph of Mattress, File Name 29477259.tif 8/9/2000	
	GB	USPTO record of abandonment of U.S. Patent Application No. 09/829698 for failure to respond to Notice of Missing Parts	
	GC	Declaration of Thomas Sanfilippo, 7/11/2005 (confidential)	
	GD	Photograph of Mattress, File Name 29477217, 12/14/1999	
	GE	Photograph of Mattress, File Name 29477242, 12/14/1999	
	GF	Photograph of Mattress, File Name 29477243, 8/9/2000	
	GG	Photograph of Mattress, File Name 29477218, 8/9/2000	
	GH	Photograph of Mattress, File Name 29477123, 8/9/2000	
	GI	Photograph of Mattress, File Name 29477165, 8/9/2000	
	GJ	Photograph of Mattress, File 29477169, 8/9/2000	

Examiner Signature	Date Considered
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/774,035
		Filing Date	February 6, 2004
		First Named Inventor	Price
		Art Unit	3765
		Examiner Name	Ismael Izaguirre
Sheet 9	of 11	Attorney Docket Number	A129 1280.1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	HA	Sealy Perfect Sleeper Advertisement	
	HB	Photograph of mattress, unlabeled and undated	
	HC	Photograph of mattress, unlabeled and undated	
	HD	Photograph of mattress, unlabeled and undated	
	HE	Photograph of CD labeled L&P - 1331 Ruffled Corner Prior Art 2003 (Porter)	
	HF	Atlanta Attachment Company Brochure for Ruffler ACC Model 1325	
	HG	Photograph of Mattress, File Name 800.EPS, 11/16/1998	
	HH	Photograph of Mattress, File Name Stack9, EPS, 11/16/1998	
	HI	Photograph of Mattress, File Name AUJ03341.EPS, 5/1/1999	
	HJ	Photograph of Mattress, File Name AUJ03337.EPS, 5/1/1999	

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/774,035
		Filing Date	February 6, 2004
		First Named Inventor	Price
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		Examiner Name	Ismael Izaguirre
Sheet 10	of 11	Attorney Docket Number	A129 1280.1

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Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	IA	Photograph of Mattress, File Name 3_4 W_PILLOWS.EPS, 9/6/1999	
	IB	Photograph of Mattress, File Name 29477150.TIF, 8/9/2000	
	IC	Photograph of Mattress, File Name 29477133.TIF, 8/9/2000	
	ID	Photograph of Mattress, File Name 29477209.TIF, 8/9/2000	
	IE	Photograph of Mattress, File Name 29477272.tif 8/9/2000	
	IF	Photograph of Mattress, File Name 29477254.tif 8/9/2000	
	IG	Sealy Ruffler Videos, undated	
	IH	PT Ruffler Compare Video, 2/2001	
	II	GPT-1000 Video, 1/2003	
	IJ	Global Systems Catalog Group Video Catalog, undated	

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	JA	Porter Video showing Porter Pillow Top System, 1995	
	JB	Atlanta Attachment Ruffling Machine Video, 2/10/2001	

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